



BULLETIN

Glenn Morton elected VP of IAIABC

Glenn Morton, Administrator of the Nebraska Workers' Compensation Court, was elected Vice President of the International Association of Industrial Accident Boards and Commissions at the Association's 87th Annual Convention in Portland, ME.

Morton was also presented with an award for Outstanding Achievement in EDI Development at the Convention. This award was bestowed for his outstanding contribution of leadership, commitment and production of Electronic Data Interchange standards for workers' compensation reporting.

"Glenn has been an outstanding contributor to the improvement of workers' compensation systems," said Greg Krohm, IAIABC Executive Director. Morton has been a contributing member of the IAIABC EDI Committees for several years and currently serves as Co-chair of the EDI Steering Committee.

Founded in 1914, the IAIABC represents workers' compensation administrators and associate members in the United States, Canada and several foreign countries. ❖

Nebraska Workers' Compensation Court
State Capitol Building, Lincoln, NE 68509
800-599-5155 or 402-471-6468
<http://www.nol.org/workcomp/>



Governor appoints new judge to Workers' Compensation Court

Gov. Mike Johanns on October 4, 2001 appointed John Hoffert of Lincoln to the Nebraska Workers' Compensation Court.

"John Hoffert will be a tremendous addition to the Nebraska Workers' Compensation Court," said Gov. Johanns. "He has extensive legal experience in the area of workers' compensation that will serve him well as a judge."

Hoffert's law practice, particularly over the last five years, has been almost exclusively concentrated in this area. He has handled hundreds of claims on behalf of both plaintiffs and defendants throughout the state and has tried approximately 100 cases in the last five years.

He has been a partner in the law firm of Knudsen, Berkheimer, Richardson & Endacott in Lincoln since 1985. Prior to 1985, Hoffert was an associate attorney in that firm for five years. From 1979-1980, he practiced law in the firm of Westervelt, Johnson, Nicoll & Keller in Peoria, Illinois.

Hoffert is active with respect to a number of local, state, and national organizations including the Lincoln Jaycees, the Folsom Children's Zoo and Botanical Gardens, American Legion, the Nebraska Association of Trial Attorneys, the American Trial Lawyers Association, and the Defense Research Institute. He is also a frequent lecturer and speaker.

He was a Medic in the U.S. Army from 1970-1972, earning the Army Commendation Medal in 1971.

Hoffert graduated from Illinois Valley Community College in 1974 with an Associate of Arts degree and from Western Illinois University in 1976 with a Bachelor of Arts degree. He received his Juris Doctorate from the University of Nebraska College of Law in 1979. ❖



John Hoffert

Reminder regarding LB 331:

The 96th Legislature of the Nebraska Unicameral passed LB 331, which became effective on January 1, 2000. LB 331 established minimum standards for the handling and processing of claims under the Nebraska Workers' Compensation Act. The standards are found at Neb. Rev. Stat. §48-146.02.

The court is monitoring the claims handling practices of insurance carriers, risk management pools, and self-insurers to determine whether there are general business practices in violation of the act. In particular, those han-

dling claims are reminded that in addition to their other obligations they are required to:

- Acknowledge and promptly respond to questions concerning a claim;
- Promptly investigate a claim and affirm or deny compensability in a timely manner;
- Explain the basis for any payment;
- Explain why a claim was denied or a particular type of benefit was not paid;
- Provide the court's address and phone number to the injured

employee after initial notice of the claim, and again after denial of compensability or denial, change in, or termination of benefits. Instructions must be given to contact the court for further information.

Section 48-146.02 provides that if a compensation insurer, risk management pool, or self-insurer repeatedly fails to comply with its obligations under the provisions of the Act, then the court may take further action which could lead to the revocation of authorization to provide workers' compensation coverage. ❖

Workers' Compensation Court EDI project team awarded at EXPO 2001

The Nebraska State Government Chapter of the National Management Association recently chose the Workers' Compensation Court's Electronic Data Interchange project team as the recipient of its "Team of Year" award at the organization's annual exposition.

The Electronic Data Interchange (EDI) project team was one of 14 teams nominated for this award. The award ceremony took place in the Warner Chamber of the State Capitol during EXPO 2001 — "Breakthrough to Success," on Oct. 4. The EXPO Team Award is presented each year to show recognition and appreciation of outstanding leadership, steadfast support, and dedication to the ideal of good government through good management.

The mission of the court's EDI project team was to increase efficiency in the filing of work-related claims using electronic data transmission techniques. The team's purpose was to simplify reporting of workplace injury information, to increase productivity, to



NWCC Electronic Data Interchange (EDI) project team awarded EXPO 2001 Team Award. Pictured l to r -Gov. Johanns, Randy Cecrle, Sandy White, Jamie Lillis

reduce costs, and to increase data accuracy. Team members recognized for this award included Su Perk-Davis, EDI Business Manager; Bruce Mayfield, EDI Project Leader; Randy Cecrle, Information Technology Manager; Sandy White, Senior Computer Operator; and Jamie Lillis, Public Information Officer.

The National Management Association's Nebraska State Government Chapter is an organization of state employees that provides leadership and professional development opportunities. ❖

Maximum income benefit increases to \$528 per week

Effective January 1, 2002, the maximum weekly income benefit under the Nebraska Workers' Compensation Act increased to \$528.00. This amount applies to work-related injuries and illnesses occurring on or after January 1, 2002. This amount equals 100 percent of the state average weekly wage as determined by the Nebraska Workers' Compensation Court. The maximum is set according to a statutory formula.

The previous maximum weekly income benefit levels will continue to apply to work-related injuries and illnesses occurring during their effective dates. The minimum weekly income benefit remains at \$49.00. ❖

Mileage reimbursement rate increases to 36.5¢ per mile

Effective January 1, 2002, the mileage reimbursement rate increased to 36.5¢ per mile for travel to seek medical treatment or while participating in a vocational rehabilitation plan. This conforms to the reimbursement rate paid to State of Nebraska employees. ❖

Court Web site use increased nearly 300 percent in FY 2001

Public use of the Nebraska Workers' Compensation Court Web site (<http://www.nol.org/workcomp/>) increased to 83,272 hits in FY 2001, a 298.9 percent increase from FY 2000.

Of this total, the "Publications/Forms" page had the most hits with 20,985 (25.2 percent). Nearly half of these were for the Statute and Rule Books, which had a combined total of 9,881 hits (11.9 percent). This was followed by the "Frequently Asked Questions" (FAQs) page with 9,155 hits (11.0 percent) and the "EDP" page with 6,358 hits (7.6 percent). The court's Web site server host, Nebrask@Online, gathers these statistics and it should be noted that they do not include hits to our Web site from State of Nebraska agencies.

The site's overall functionality, design, and ease of use has been upgraded using Macromedia's Dreamweaver, a Web site design and management software. ❖

New Statute Book available

The Nebraska Workers' Compensation Laws and Rules Annotated, 2001 Edition may be ordered on-line from LexisNexis (<http://www.lexisnexis.com/bookstore>), or by calling 1-800-562-1197. This edition is available at \$20 each (orders of 50 or more at \$16.00 each). The court no longer publishes a Law Book in house.

The court's Rule Book is still published in house and is updated immediately following any changes to the Rules. The current version may be ordered by filling out the Order Form provided in this issue of *The Bulletin*, then sending the form to the court with payment.

Current versions of the workers' compensation laws and rules also may be downloaded free of charge from the court's Web site (<http://www.nol.org/workcomp/statutes/statutes.htm>). ❖

Revision of Fee Schedule

The court is considering revisions to its Schedule of Medical and Hospital Fees. It is anticipated the schedule will be updated to include 2002 CPT codes and 2002 RBRVS relative value units. Written comments and suggestions can be sent to Kris Peterson, Coverage and Claims Manager, or emailed to krisp@wcc.state.ne.us. The current Schedule of Medical and Hospital Fees (effective June 15, 2000) may be ordered on-line from Medicode, a division of Ingenix Publishing (<http://www.medicode.com/>), or by calling 1-800-765-6023. ❖

Bureau of Labor Statistics' National Census of Fatal Occupational Injuries, 2000:

Fatal work-related injuries down 2 percent from 1999

A total of 5,915 fatal work injuries were recorded in 2000, a decline of about 2 percent from 1999, according to the Census of Fatal Occupational Injuries, conducted by the Bureau of Labor Statistics, U.S. Department of Labor.

The decline occurred even though overall employment increased in 2000. The number of job-related deaths from highway incidents, the most frequent fatal work injury, declined for the first time since the fatality census was first conducted in 1992. Fatalities resulting from electrocutions, fires and explosions, and contact with objects or equipment also were down in 2000. Fatal job-related falls and homicides both increased.

Profiles of 2000 fatal work injuries

Although the number of fatal highway incidents was down about 9 percent from 1999 levels, highway crashes continued to be the leading cause of on-the-job fatalities in 2000, accounting for nearly a quarter of the fatal work injury total. In other transportation incidents, fatal work injuries resulting from workers being struck by vehicles or mobile equipment also dropped slightly in 2000. In contrast, however, the number of workers killed in nonhighway incidents (such as tractor overturns or incidents in which workers fell from and were struck by mobile equipment) increased from 352 in 1999 to 399 in 2000. The number of workers killed in aircraft and railway events also increased in 2000, though water vehicle incidents declined.

Deaths resulting from on-the-job falls increased slightly to 734 in 2000—the largest annual total recorded by the fatality census. Falls to a lower level were higher in 2000 and accounted for 659 of the 734 fatal falls. Fatalities resulting from falls from ladders and from nonmoving vehicles were both higher in 2000, though falls from scaffolds, building girders, and roofs were down. Falls on the same level declined from 70 to 56 in 2000.

The number of job-related homicides increased for the first time in six years (from 651 in 1999 to 677 in 2000). However, the total number of workplace homicides in 2000 was still 37 percent lower than the high of 1,080 homicides reported in 1994. For those workplace homicides where the motive could be ascertained, homicides in which robbery was the initial motive increased from 255 cases in 1999 to 291 cases in 2000.

Fewer workers were killed by electrocution than in any year since the fatality census was first conducted. The number of fatal injuries resulting from fires or explosions in 2000 fell from its highest annual total in 1999 to its lowest annual total since 1992. The number of workers who were fatally injured through contact with objects or equipment also was down from the previous year, but still accounted for nearly one out of every six fatal work injuries in 2000.

Profile by industry

Construction again recorded the highest number of fatal work injuries of any industry, although

the total for the industry was down about 3 percent in 2000—the first decline for construction since 1996. Fatal work injuries in manufacturing (down 7 percent) and in agriculture, forestry, and fishing (down 12 percent) reached the lowest levels recorded for those industries. The decrease in agriculture, forestry, and fishing occurred despite an increase in the number of fatal work injuries in landscape and horticultural services. The number of fatal work injuries in the mining industry, however, was higher in 2000, led by an increase in fatal injuries in the oil and gas extraction industry. Fatalities also were higher in retail trade, largely as a result of the increase in workplace homicides.

Fatal work injuries in the services industry increased about 4 percent in 2000. Fatalities in business services increased, led by a rise in work-related deaths in personnel supply services. Educational services and membership organizations were some of the other industry groups in services recording increases in 2000. Health services, personal services (such as laundry services and beauty shops), and amusement/recreation services were among the service industries recording lower fatal work injury counts.

Rates of fatal work injury in 2000 were highest in the mining, agriculture, construction, and transportation industries. The mining industry recorded a rate of 30.0 fatal work injuries per 100,000 workers in 2000, the highest of any industry and about

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		Form 12–Insurance Coverage (Rev. 6/95)			

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# SGL	# PKG	Item Name
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	(25)	Vocational Rehabilitation Services under Workers' Compensation (English 2/01)
	(25)	Vocational Rehabilitation Services under Workers' Compensation (Spanish 2/01)
	(50)	Informal Dispute Resolution and Mediation (English 1/00)
	(50)	Informal Dispute Resolution and Mediation (Spanish 3/01)

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	Form 63-1–Request for Independent Medical Examiner (7/97)		Form 50–Choice of Doctor (Spanish 8/97)
	Form 67-2–Notice of Agreement to use a Named Independent Medical Examiner (7/97)		

Note: Requests for large orders may require additional time for printing; subject to cost.**Turn this page over for additional publications**

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	Form 10W—Corporate Executive Officer Waiver (Rev. 01)	\$1.00	
	Law Book (Includes 2001 Legislative Revisions) To order, contact LexisNexis at 1-800-562-1197.		
	Rule Book (Rev. 12/00)	\$7.00	
	Annual Report (FY 00)	\$5.00	
	Schedule of Medical & Hospital Fees (June 15, 2000) To order, contact Medicode at 1-800-765-6023.		
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Service and handling charges are included in the listed cost of each item. Forms may be picked up at the court's location, 129 N 10th, Suite 300. Please call ahead to be sure your order is ready (if paying with cash, the correct amount is required). Order forms and other information may also be downloaded from the Nebraska Workers' Compensation Court's internet web site: <http://www.nol.org/workcomp/>. For further information, or if your order is not received within three weeks, please contact the court's information line at either **402-471-6468** or **800-599-5155**.

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Bureau of Labor Statistics' National Census of Fatal Occupational Injuries, 2000:**Fatal work-related injuries down 2 percent from 1999***... continued from front page 4*

seven times the rate for all workers. Agriculture recorded the second highest rate in 2000 (20.9 fatalities per 100,000 workers). Despite an increase in the number of incidents in the services industry and in retail trade, the rates for both these industries remained relatively low (2.0 for services and 2.7 for retail trade).

Profile by occupation

Operators, fabricators, and laborers recorded the largest number of fatal work injuries of any occupational group in 2000, accounting for more than one out of every three fatalities. However, the number of fatalities for this group was down 4 percent from 1999, and fatal work injuries involving transportation and material moving occupations were down 4 percent. Service occupation fatalities also were lower in 2000, despite an increase in fatalities involving police and detectives. Fatal work injuries involving farming, forestry, and fishing occupations were down sharply, from 904 in 1999 to 806 in 2000—a decline of 11 percent. Two other occupational groups—managerial and professional specialty occupations and technical, sales, and administrative support occupations—recorded increases in 2000.

Truck drivers were fatally injured on the job more than any other individual occupation, although fatal work injuries for this occupation declined 5 percent in 2000. Fatalities involving airplane pilots and navigators rose from 94 in 1999 to 130 in 2000. The fatality rate for this occupa-

tion (100.8 for every 100,000 employed) was exceeded only by timber cutters (122.1) and fishers (108.3).

Profile by demographics

The numbers of fatal work injuries among white (non-Hispanic) and black (non-Hispanic) workers were lower in 2000, but fatal injuries among Hispanic or Latino workers were up sharply, from 730 in 1999 to 815 in 2000. This increase in Hispanic worker fatalities was led by a 24 percent jump in construction fatalities involving Hispanic workers. Nationally, Hispanic employment was up 6 percent in 2000.

Fatal work injuries to men were down nearly 3 percent, although fatalities to women increased slightly in 2000. There was an increase in self-employed workers fatally injured on the job (up 3 percent in 2000). Self-employed workers, who constitute only 7 percent of employment, accounted for 20 percent of the fatality total.

On average, about 16 workers were fatally injured each day during 2000. There were 214 multiple-fatality incidents (incidents that resulted in two or more worker deaths), resulting in 531 job-related deaths. The multiple-fatality count for 2000 represents a substantial decrease over the 1999 count when 235 multiple-fatality events were reported involving 617 job-related deaths.

Background of the program

The Census of Fatal Occupational Injuries, part of the Bureau

of Labor Statistics (BLS) occupational safety and health statistics program, provides the most complete count of fatal work injuries available. The program uses diverse state and federal data sources to identify, verify, and profile fatal work injuries. Information about each workplace fatality (occupation and other worker characteristics, equipment being used, and circumstances of the event) is obtained by cross-referencing source documents, such as death certificates, workers' compensation records, and reports to federal and state agencies. This method assures counts are as complete and accurate as possible.

This is the ninth year that the fatality census has been conducted in all 50 states and the District of Columbia. The BLS fatality census is a federal/state cooperative venture in which costs are shared equally.

To see how Nebraska fared in the 1999 Census of Fatal Occupational Injuries, please refer to our Web site (<http://www.nol.org/workcomp/2000cfoi.pdf>). Also available on our Web site are Nebraska's results in the BLS Occupational Injury and Illness Survey 1999 (<http://www.nol.org/workcomp/1999noii.pdf>). ❖

2000
Census of
Fatal
Occupational
Injuries and
Illnesses



Compensation court returns to State Capitol

Effective January 8, 2002, the Nebraska Workers' Compensation Court's temporarily relocated offices returned to the 12th and 13th floors of the State Capitol. Office phone numbers remain the same.

- **Mail:**

All mail, including certified, registered, and express mail should continue to be addressed to the court's post office box: Nebraska Workers' Compensation Court, P.O. Box 98908, Lincoln, NE 68509-8908.

- **Deliveries:**

When a physical location address is required

(FedX, UPS, deliveries, etc.) please use: Nebraska Workers' Compensation Court, 13th Floor, State Capitol, 1445 'K' St., Lincoln, NE 68508.

- **Filings (By Mail):**

All filings by mail should continue to be addressed to: Nebraska Workers' Compensation Court, P.O. Box 98908, Lincoln, NE 68509-8908.

- **Filings (In Person):**

Please go to the 13th Floor, State Capitol, 1445 'K' St., Lincoln, NE.

The Nebraska Workers' Compensation Court's staff at the 525 Building will remain at that location. ❖

E-mailing compensation court judges' assistants

Following are the current e-mail addresses of our Judges' Assistants.

- **Dawn Jensen**, djensen@wcc.state.ne.us (Assistant to Judges High and Hoffert)
- **Shelia Richards**, sheliar@wcc.state.ne.us (Assistant to Judges Van Norman and Fitzgerald)
- **Linda Malfait**, linda.malfait@wcc.state.ne.us (Assistant to Judges Cavel, Coe, and Brown)

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Bulletin



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